

REMARKS

This application has been reviewed in light of the Advisory Action mailed on February 10, 2005. Reconsideration of the present application as amended is respectfully requested in light of the above amendments and the following remarks.

Claims 9-40 are pending in the application with Claims 9, 17, 25, 29, 33 and 37 being in independent form. By the present amendment, Claims 1, 7 and 15 have been amended. No new matters or issues are believed to be introduced by the amendments.

In the advisory action, dated February 10, 2005, the Examiner states that the applicant asserts that "the second message being coded with a new cipher key as an acknowledgment of the cipher key change by said terminal" as recited in independent claims 9, 17, 25 and 29 is directed to a specific coding of an acknowledgment. The examiner asserts that the preceding limitation is taught in Smith at Col. 3, lines 43-50. Secondly, the limitation, "a transmission from the controller to the subscriber unit of a message coded with the base or old cipher key as an indication of a failure by the controller to decipher the acknowledgment" is taught in Smith, Col. 3, lines 64-67 (when the central controller 20 determines that the subscriber unit or radio 10 had not acknowledged the key change, the retry sequence is tried again by returning to step 21 to transmit a key change command with the same operational code).

Without agreeing with the Examiner, and to expedite allowance of the present Application, independent Claims 9, 17, 25, 29, 33 and 37 have been amended herein to better define Applicant's invention over Smiths. Claims 9, 17, 25, 29, 33 and 37 now recite limitations and/or features which are not disclosed by Smith. Applicants reserve

their right to reintroduce the original or previously amended claims, or subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Claim 9 as amended herein recites:

1. A wireless network, comprising:
 - a radio network controller; and
 - a wireless terminal,
 - wherein said radio network controller is operable to transmit a first message to said wireless terminal, the first message being indicative of an initiation of a cipher key change,
 - wherein said terminal is operable to transmit an acknowledge command to said radio network controller, said acknowledge command for preventing the radio network controller from re-transmitting the first message after a specified period of time;
 - wherein said wireless terminal is operable to transmit a second message to said radio network controller subsequent to a reception of the first message by said wireless terminal, the second message being coded with a new cipher key as an acknowledgement of the cipher key change by said wireless terminal
 - wherein said radio network controller is operable to transmit a third message to said wireless terminal immediately upon reception of the second message by said radio network controller, the third message being indicative of a deciphering by said radio network controller of the second message with the new cipher key
 - wherein the third message is coded with the new cipher key as an indication that said radio network controller deciphered the second message with the new cipher key.

Claim 9 has been amended to recite that that the wireless terminal is operable to transmit an acknowledge command to the radio network controller, whereby the acknowledge command is used to prevent the radio network controller from re-transmitting the first message after a specified period of time. Smith does not recite this feature.

Claim 9 has been further amended to include the limitations of Claims 11 and 12, with modification. Specifically, the recitation of Claim 11 is modified to recite

that the third message is transmitted by the radio network controller immediately upon reception of the second message. In accordance with the principles of the invention, if CCOK2 was properly encoded with the new cipher key, then the RNC immediately sends KOK2 (coded with the new cipher key) to the terminal. Otherwise, if CCOK2 was not properly encoded with the new cipher key, then the RNC immediately sends KOK2 (coded with the old cipher key) to the terminal

Smith does not disclose or suggest, transmitting a third message to the wireless terminal immediately upon reception of the second message by said radio network controller, as recited in Claim 9 as amended. Instead, Smith teaches that the retry sequence is tried again by returning to step 21 to transmit a key change command with the same operational code. Alternatively, if the central controller of Smith acknowledges the key change then the SU is put on a list of SU's that need to be rekeyed. In either case, no immediate response on the part of the central controller to an acknowledgment by the subscriber unit occurs in Smith.

Claim 9 has been further amended to recite that the terminal is a wireless terminal so as to distinguish the terminal from a base station or other similarly situated stationary terminal.

It is respectfully submitted that at least the limitations and/or features of independent Claim 9 is believed to be patentably distinct over Smith. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of claim 9 is respectfully requested.

Claims 10, 13-16 depend from independent Claim 9 and therefore contain the limitations of Claim 9. Hence, for at least the same reasons given for Claim 9, Claims 10, 13-16 are believed to be allowable over Smith.

Accordingly, withdrawal of the rejections with respect to Claims 10, 13-16 is respectfully requested.

Claims 17, 25, 29, 33 and 37 recite features which are found in Claim 9 and have been amended in part to incorporate the limitations of dependent claims (19,20), (26,28), 30, 34 and 38, respectively. Hence, for at least the same reasons given for Claim 9, Claims 17, 25, 29, 33 and 37 are believed to be allowable over Smith.


Additionally, Claims (18, 21, 22, 23, 24), 27, (31, 32), (35, 36) and (39, 40), depend from independent Claims 17, 25, 29, 33 and 37, respectively, and therefore contain the limitations of Claims 17, 25, 29, 33 and 37. Hence, for at least the same reasons given for Claim 17, 25, 29, 33 and 37, Claims (18, 21, 22, 23, 24), 27, (31, 32), (35, 36) and (39, 40), are believed to be allowable over Smith. Accordingly, withdrawal of the rejection with respect to Claim (18, 21, 22, 23, 24), 27, (31, 32), (35, 36) and (39, 40), and allowance thereof are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 9-10, 13-18, 21-25, 27, 29, 31-33, 35-37 and 39-40 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9607

Respectfully submitted,



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